

## REMARKS

Claim 1 is amended to clarify that Applicant's invention is a rotary valve assembly that includes a shaft 36 and a damper 48 in Fig. 4, see page 2, lines 15-16. The claim is further amended to point out that the shaft has an axis and a transverse hole, and that the damper includes a portion extending within the hole, see page 4, lines 25-29.

Claims 2-11 are amended and are directed to a shaft assembly, consistent with the amendment to claim 1. Claim 3 is amended to more particularly point out that the rotary valve is mounted on the shaft, see page 4, lines 20-21.

New claim 12 is directed to a rotary valve assembly, like claim 1, and calls out a shaft, butterfly vane and elastomeric damper in accordance with a preferred embodiment of Applicant's invention.

### *Claim Rejection under 35 USC § 103*

Claims 1, 3-7, 9 and 11 were rejected under 35 U.S.C. § 102(a) as anticipated by United States Patent No. 6,763,802, issued to Brassell in 2004. Claims 2, 8 and 10 were rejected under 35 U.S.C. § 103 over Brassell.

Brassell shows a shaft assembly 16 and dampeners 44a-c, col. 2, lines 25-27. It is significant that clearance is provided between the dampener and the shaft to allow shaft rotation within the dampener, col. 2, lines 31-34. In contrast, in Applicant's valve

assembly, the damper is affixed to the shaft so that the damper rotates with the shaft. Thus, whereas Brassell provides a sliding contact between the dampener and the shaft, Applicants' invention assures a reliable acoustic coupling by attaching the damper. Brassell does not contemplate a damper attached to the shaft, and so does not anticipate or even suggest Applicant's invention.

Claim 1 is directed to Applicant's rotary valve assembly that includes, as key elements, a shaft and at least one elastomeric damper. The shaft is rotatable about an axis and has a hole transverse to the axis. The damper is molded onto the shaft and includes an anchor portion extending within the hole. In this manner, the damper is secured to the shaft. In contrast, the dampener in Brassell is not anchored to a hole in the shaft. Indeed, Brassell provides clearance between the shaft and the dampener. Thus, whereas the damper in Applicants' assembly is fixed and rotates with the shaft, the dampener in Brassell is not fixed to the shaft and only makes sliding contact therewith. Therefore, Brassell does not teach or even suggest Applicant's assembly in claim 1.

Claims 2-11 are dependent upon claim 1 and so not taught or suggested by Brassell at least for the reasons set forth with regard to that claim.

New claim 12 is directed to a Applicants rotary valve assembly that includes, in addition to a shaft and a elastomeric damper as in claim 1, a butterfly vane. The shaft includes a first anchor hole and a second anchor hole perpendicular to the first anchor hole. The butterfly vane includes an anchor portion extending through the first anchor

hole. The damper includes an anchor portion extending through the second anchor hole. Brassell does not anchor the damper to the shaft and so cannot show perpendicular anchor holes for the butterfly vane and the damper. Thus, Brassell does not teach or suggest Applicants' assembly in claim 12.

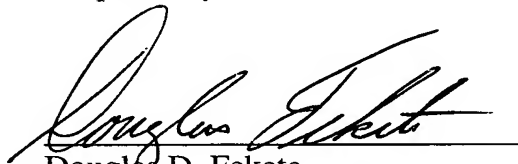
Accordingly, it is respectfully requested that the rejection of the claims based upon Brassell be reconsidered and withdrawn, and that the claims be allowed.

*Conclusion*

It is believed, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas D. Fekete", written over a horizontal line.

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